

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICK HENRY MURPHY,
Plaintiff,

v.

TDCJ EXECUTIVE DIRECTOR
BRYAN COLLIER, CID DIRECTOR
BOBBY LUMPKIN, AND WARDEN
DENNIS CROWLEY, *Defendants.*

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:19-cv-1106

JOINT ADVISORY

The parties jointly submit this advisory regarding the status of Mr. Murphy's claims. The Court reopened this case following an administrative stay and directed the parties to submit a joint proposed scheduling order. ECF No. 103.

Following the Supreme Court opinion in *Ramirez v. Collier*, 142 S. Ct. 1264 (2022), TDCJ approved Murphy's request for his chosen spiritual advisor to audibly chant in the execution chamber during the execution process. The parties believe that claim to be resolved and will memorialize the accommodation in a filing. However, the parties continue to actively discuss the details of Murphy's request related to the pre-execution holding area. The current policy allows spiritual advisor visitation in the pre-execution holding area from 3:00 p.m. to 5:00 p.m.¹ Accordingly, the time at issue is the time when Murphy will arrive at the pre-execution holding area on the afternoon of his execution through 3:00 p.m., and the hour from 5:00 to 6:00 p.m. when the execution will commence. The parties are discussing the

¹ That time must be split with an attorney should the prisoner desire an attorney visit.

secular tasks that must be completed during the time frame at issue and the logistics of when the spiritual advisor may be brought into the holding area.

Because the parties are still discussing the outstanding religious accommodations, the parties respectfully suggest that a scheduling order would be premature. It is unclear whether any part of Murphy's pre-execution holding area claim will be unresolved; so the parties are unclear what may need to be scheduled for briefing. Counsel for the parties commit to actively engage in continued discussions in an attempt to resolve the outstanding issues, or to quickly notify the Court if it is determined that an issue cannot be mutually resolved among the parties.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE
Chief, Law Enforcement Defense Division

/s/ Leah O'Leary
LEAH O'LEARY
Assistant Attorney General
Attorney in Charge
Texas Bar No. 24079074
Southern District No. 1563191
Leah.Oleary@oag.texas.gov

Law Enforcement Defense Division
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548
Austin, Texas 78711-2548
(512) 463-2080 / Fax (512) 370-9918

**ATTORNEYS FOR DEFENDANTS
COLLIER, LUMPKIN, AND CROWLEY**

/s/ David R. Dow _____

DAVID R. DOW
Texas Bar No. 06064900
University of Houston Law Center
4170 Martin Luther King Blvd.
Houston, Texas 77204-6060
713-743-2171
ddow@central.uh.edu

/s/ Jeffrey R. Newberry _____

JEFFREY R. NEWBERRY
Texas Bar No. 24060966
University of Houston Law Center
4170 Martin Luther King Blvd.
Houston, Texas 772040-6060
713-743-6843
jnewber@central.uh.edu

ATTORNEYS FOR PLAINTIFF PATRICK MURPHY

NOTICE OF ELECTRONIC FILING

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing a true and correct copy of the foregoing in accordance with the Electronic Case Files system of the Southern District of Texas, on June 1, 2022.

/s/ Leah O'Leary
LEAH O'LEARY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, certify that a true and correct copy of the foregoing has been served on all attorneys of record by electronic notification through the ECF system for the Southern District of Texas on June 1, 2022, to all attorneys of record.

/s/ Leah O'Leary
LEAH O'LEARY
Assistant Attorney General